**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929**

**WP(C).No. 3696 of 2007(M)**
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**OS.6/2005 of I ADDL.SUB COURT, KOZHIKODE**
**.....**

**PETITIONER:**
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**GOPALAKRISHNAN ALIAS BABU,**
**S/O.NARAYANAN NAMBIAR, `SURAG',**
**EDAKKAD, KANNUR DISTRICT.**

**BY ADV. SMT.T.RESMI DAMODARAN**

**RESPONDENTS:**
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**T.K. GANGAN MENON,**
**S/O.P.K.K.MENON, THERAMBATTIL HOUSE,**
**P.O.CHALAPPURAM, KOZHIKODE.**

**BY ADV. SRI.R.BINDU (SASTHAMANGALAM)**
**SRI.PRASANTH M.P**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

EXT. P1 TRUE COPY OF PLAINT IN O.S. 6 OF 2005 DTD. 27.12.04 OF THE SUB Court, KOZHIKODE.

EXT.P2 TRUE COPY OF I.O.P.13 OF 2006 DTD. 21.6.06 OF THE COURT OF SUBORDINATE JUDGE, KOZHIKODE.

[ True copy ]

P.A. to Judge.

**M.N. KRISHNAN, J.**

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**W.P.C. NO. 3696 OF 2007**

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**Dated this the 29th day of May, 2007.**

**J U D G M E N T**

This writ petition is filed seeking a stay of the trial of O.S.6/05 of the I Addl. Sub Court, Kozhikode and that O.S.6/05 and O.P.13/06 before the Principal Sub Court, Kozhikode to be tried by the same Court. The suit is one for redemption of mortgage and the O.P. is also interlinked with the subject matter of the original suit O.S.6/05. In order to consider whether the matter has to be jointly tried or not, at the out set, the indigent O.P. has to be disposed of and only after converting it into a suit, a joint trial can be attempted for. Therefore, it is desirable that a direction is given to the Principal Sub Court, Kozhikode wherein O.P.13/06 is pending, to dispose of the same within a time frame of six weeks from today. If it is allowed in favour of the petitioner and converted it into a suit then an application can be made for transfer of the suit to the said Court where the O.S.6/05 is pending. Till the O.P. is disposed of the trial of O.S.6/05 should

not be proceeded with. Or in other words, there will be a stay of trial of O.S.6/05 for a period of two months.

The writ petition is disposed of as above.

**M.N. KRISHNAN, JUDGE.**

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